

P.M. _____
TIME AND DATE _____

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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YUEN SHING LEE, A34 024 347,

Petitioner,

05 CV 2107 (SJ)

-against

ORDER

ALBERTO R. GONZALES, Attorney General of
the United States; MICHAEL CHERTOFF,
Secretary of the United States Department of
Homeland Security; JOHN CARBONE, New
York Acting Field Office Director for Detention
and Removal, United States Department of
Homeland Security Bureau of Immigration and
Customs Enforcement; UNITED STATES
DEPARTMENT OF HOMELAND SECURITY
BUREAU OF IMMIGRATION AND CUSTOMS
ENFORCEMENT,

Respondents.

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MAIL TO:

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Eastern District of New York
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Attn: Tom Lowenthal
Attorney for Respondents

JOHNSON, Senior District Judge:

On May 2, 2005, Petitioner Yuen Shing Lee ("Petitioner") filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging the lawfulness of an administratively final removal order. Section 106(c) of the REAL ID Act of 2005 ("RIDA"), Pub. L. No. 109-13, Div. B, 119 Stat. 231 (May 11, 2005), provides that an action brought pursuant to 28 U.S.C. § 2241 which challenges a final administrative order of removal, and which was pending on the date of RIDA's enactment on May 11, 2005, shall be transferred to the court of appeals for the circuit in which a petition for review could have been properly filed pursuant to section 242 of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1252, as amended by RIDA § 106.

On June 8, 2005, the Second Circuit Court of Appeals advised the district courts to, *inter alia*, provide the parties with an opportunity to stipulate to, or to brief the propriety of, the transfer. Accordingly, the parties are hereby ORDERED to stipulate to, or to brief the propriety of, the transfer within twenty (20) days of receipt of this Order.

SO ORDERED.

Dated: July 28, 2005
Brooklyn, NY

s/SJ

Senior U.S.D.J.